



The following constitutes the order of the Court.
Signed: March 7, 2023

A handwritten signature in black ink, reading "William J. Lafferty, III", is positioned above a horizontal line.

William J. Lafferty, III
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

Brian Yu,
Debtor.

Case No. 22-41315 WJL
Chapter 13

Order Denying Ex Parte Motion to Vacate

Debtor filed the above-captioned chapter 13 bankruptcy case on December 29, 2022, in pro per. The Court entered an Order to File Required Documents (ECF #5) that same day. The Court then granted Debtor two extensions to file required documents, first on January 13, 2023 (ECF #16), and then on February 7, 2023 (ECF #22). During this period, Debtor hired two different attorneys: the first was hired and then terminated on February 2, 2023 (ECF #19), while the second was terminated on February 10, 2023 (ECF #27).

Also on February 10, 2023, Debtor failed to appear at the Meeting of Creditors, for which reason the Chapter 13 Trustee (the "Trustee") moved to dismiss the case (ECF #23). Trustee also filed a Motion to Dismiss for Failure to Make Plan Payments (ECF #29) on February 13, 2023. The Court then entered an Order of Dismissal for Failure to Comply (ECF #33) on February 28, 2023, because Debtor failed to file his tax returns.

1 Now, before the Court is Debtor's Ex Parte Motion to Vacate the Order Dismissing Chapter
2 13 Proceedings (the "Motion") (ECF #37). In the Motion, Debtor states that he is current with
3 plan payments and has submitted the required tax documents to the Trustee. Debtor also states
4 that he had Covid over the past two weeks, which prevented him from complying with the filing
5 requirements.

6 Nonetheless, the Court HEREBY DENIES Debtor's Motion. While the Court is sympathetic
7 to Debtor's recent illness, Debtor's failure to file required documents and to make plan payments
8 occurred in early and mid-February, beyond the time in which Debtor was sick. Additionally,
9 Debtor failed to appear at the Meeting of Creditors in early February, which provided another
10 independent basis for dismissal.

11
12 *****End of Order*****
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Court Service List

Brian Yu

36500 Alder Ct

Fremont, CA 94536